

CLARK, LINCOLN, AND WHITE PINE COUNTIES
GROUNDWATER DEVELOPMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
SCOPING MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

On Thursday, August 4, 2011

At 5:00 p.m.

At the Delta High School

50 W 300 N

Delta, Utah

Reported by: Deborah Ann Hines, CCR #473, RPR

1 FACILITATOR JOHN GODEC: So good evening
2 everybody, or good afternoon everybody. Thanks for
3 coming. My name is John Godec. I've been asked to
4 help facilitate this meeting this evening. There's
5 not going to be a great deal to facilitate. As you
6 probably noticed when you came in, we have the
7 meeting kind of structured in the format that allows
8 you to ask questions, have informal conversations,
9 get answers to your questions by BLM staff or the
10 consulting firm that has been hired to work on the
11 environmental impact study.

12 What we are going to commence with at this
13 point is the formal public hearing portion of the
14 meeting. Let me explain real briefly. When you came
15 in, you got a copy of something that's called the
16 Clark, Lincoln and White Pine Counties Groundwater
17 Development Project Draft Environmental Impact
18 Statement Frequently Asked Questions. This is kind
19 of an executive summary of the executive summary of
20 the environmental impact study. And if you know
21 anyone, or if you don't have any great deal of
22 background on this project, I would encourage you to
23 read this relatively brief, ten page document, which
24 I think is probably going to give you pretty good
25 background on what this is all about.

1 If you have any interest in speaking this
2 evening, and I will tell you that right now we only
3 have five or six speaker cards, but if you have any
4 interest in making a formal statement or asking a
5 question, that won't be answered here tonight but
6 will be answered in full in the final environmental
7 impact study, please feel free to fill out one of
8 these speaker cards now or at any time while we're
9 going on.

10 If you would prefer not to present your
11 comment publicly, you can certainly do so after we
12 finish this public hearing portion privately with
13 Debbie, our court reporter, up here in the front.

14 You'll also find a copy outside of this
15 written comment form. If you have anything in
16 writing you'd like to present to us, please feel free
17 to do so tonight or grab a couple of these, take them
18 with you and please feel free to pass them out to
19 anybody that you think has an interest or a comment
20 or a question that couldn't make it tonight. So
21 we're trying to give you as many opportunities as we
22 possibly can to comment on this particular project.

23 When we start the formal hearing portion of
24 this, I think we're going to give you probably five
25 minutes to make whatever comment that you have. At

1 that particular point what I'll do is simply hold up
2 some kind of a remainder card. We're going to ask
3 you to speak from that table over there, which is
4 serving as the podium this evening. There's a
5 microphone and should be fairly easy.

6 And with that I would like to introduce
7 Dr. Michael Dwyer, our public hearing officer, this
8 evening who will kind of lay out the specifics.

9 DR. MICHAEL DWYER: Good evening, ladies and
10 gentlemen, and welcome to the formal hearing part of
11 this meeting. As John said my name is Mike Dwyer,
12 I'm an employee of the BLM Ely District Office. I'm
13 serving as the hearing officer for this hearing
14 tonight.

15 The purpose of this hearing is to hear your
16 comments on this document. This is the draft of the
17 Clark, Lincoln and White Pine Counties Groundwater
18 Development Project Draft Environmental Impact
19 Statement. This document was prepared by the BLM
20 with the help of the environmental consulting firm
21 AECOM, and it was prepared in response to an
22 application that we received from the Southern Nevada
23 Water Authority in 2004 to construct and operate a
24 water pipeline across public lands.

25 Let me be clear that as of right now the

1 Bureau of Land Management has not made a decision on
2 that application. The National Environmental Policy
3 Act requires that before we do that, before we make a
4 decision on that application, that we document and
5 consider the impacts that go with this proposal. And
6 the final version of this EIS will be the vehicle for
7 that, for documenting and presenting those impacts to
8 a decision maker who will actually render a decision
9 on that right-of-way application.

10 This hearing is your opportunity to help us
11 make this EIS be as clear, as comprehensive and as
12 accurate as they can be. Several alternatives are
13 analyzed in this document, including a No Action
14 alternative. The No Action alternative describes the
15 impacts if the BLM were to reject this application
16 and continue with current land uses on this land.

17 Let me clarify what this meeting is not.
18 First, it's not about the allocation of water rights.
19 That's a decision that's not in the hands of the
20 Bureau of Land Management, that decision is in the
21 hands of the State of Nevada, and specifically the
22 Nevada state engineer. And the state engineer will
23 conduct separate public hearings this fall on that
24 question before rendering a decision on the Southern
25 Nevada Water Authority's application for water

1 rights.

2 Second, this is not a debate. The first
3 part of our meeting tonight out in the lobby was
4 designed to answer questions, and this portion of the
5 meeting is all about listening, that is us listening
6 to you. It's a formal public hearing in which each
7 person who wants to make a comment will be given the
8 opportunity to do so, and your comments and questions
9 will be captured by Debbie, our court reporter, and
10 will be addressed in writing in the final
11 environmental impact statement.

12 Please be aware that if you ask a question
13 while you're at the podium, we will note it for the
14 record and we will address it in the final EIS but we
15 won't respond to you during the hearing. If you have
16 a question that you'd like to have answered during
17 the hearing, you're very welcome to stand up, walk to
18 the back, seek out one of the BLM or AECOM
19 specialists and have them answer your question.

20 As John said, we've allocated five minutes
21 so that everybody will have a chance to speak. That
22 doesn't seem to be a problem tonight with so few
23 speakers. Please also be aware, as John mentioned,
24 we would like to have written comments. If you
25 really have extensive comments that are going to go

1 past five minutes or so, please submit them to us in
2 writing. They carry every bit as much weight as they
3 would if you stood at the podium and made those
4 comments.

5 We have extended the comment period by
6 30 days so you now have until October 11th of 2011 to
7 submit those comments.

8 Regarding audience participation, please
9 treat the speaker as you would like to be treated
10 when it's your turn at the podium. Please don't
11 interrupt the speaker and please note that audience
12 comments and reactions will not be part of the
13 transcript.

14 Finally, and then I'm going to sit down, let
15 me explain what happens from this point forward. The
16 comments that you make here tonight, along with all
17 the comments that we collect at the other public
18 meetings and in writing, will be used to help develop
19 the final version of this environmental impact
20 statement. We expect to have this document available
21 to the public in mid 2012. It will include a comment
22 response document that explains the disposition of
23 all the comments that we received.

24 When the final EIS is ready for release,
25 we'll publish a notice of availability in the Federal

1 Register, as well as in local newspapers, and we'll
2 post it on the BLM website. A decision on the
3 right-of-way application can be rendered at any time
4 30 days after that notice of availability. A formal
5 record of decision will be published and posted when
6 the decision is finally made.

7 I'd like to extend my sincere thanks to all
8 of you for your willingness to participate in this
9 process. I've worked on a lot of EISs in my 31 years
10 with BLM and it's my experience that they're always
11 better in the end for a vigorous public review and
12 comment.

13 So with that what I'd like to do is call
14 this hearing to order and ask John to please call our
15 first speaker.

16 FACILITATOR JOHN GODEC: What I'm going to
17 do is call the names in the order in which people
18 signed in but if it's okay with you, invariably we
19 try to give deference to any elected official, and we
20 have one here this evening, Daron Smith.

21 Would you mind coming up please. Mr. Smith,
22 if you can just step over to the table in front of
23 the microphone over there. And when you come up if
24 you wouldn't mind spelling your name, which shouldn't
25 be a difficult issue this evening, and giving us your

1 address for the court reporter, that would be
2 terrific.

3 DARON SMITH: Thank you. My name is Daron
4 Smith, D-a-r-o-n. I'm a county commissioner from
5 Millard County here representing the County and our
6 Board of County Commissioners. I appreciate you
7 folks having this hearing in Delta. I think all
8 along we've asked that you have one here, so we
9 appreciate you doing that.

10 I got a chance to talk to Penny out in the
11 hall for a little while, so she answered some of the
12 questions that I had, but I'd like to make a few
13 comments. And most of my comments will be regarding
14 the Snake Valley portion of the project that would
15 have a negative impact on Utah.

16 To start out I would just like to say that
17 it's Millard County's position that we support, we
18 would support the BLM in either alternative D or E
19 with preference to alternative E, which would be two
20 alternatives which would not, I guess you would drop
21 the Snake Valley portion. We feel like that even
22 pumping in Spring Valley, let's see, just to make
23 sure that I have this right, alternative D would be
24 that they would still pump in Spring Valley,
25 alternative E would mean that they would not pump in

1 Spring Valley or in Snake Valley or I have that
2 backwards, don't I? Can you verify that for me so I
3 get it right?

4 DR. MICHAEL DWYER: Anybody know off the top
5 of their head? Penny? Got it right now. So D the
6 basins which Southern Nevada Water Authority
7 production would occur would be South Spring, Cave,
8 Delamar and Dry Lake in alternative D. And in E it's
9 Spring, Cave, Dry Lake, Delamar and not Snake.

10 DARON SMITH: Right. Okay. The reason why
11 I would also support D I guess, or E over D is we
12 feel there's something in Spring valley that will
13 have a negative effect on Snake Valley in the future
14 also. There is a relationship between those valleys
15 and in the long run there will be a negative effect.

16 The reason that we support those
17 alternatives, a couple of points I'd just like to
18 bring out is you've all heard that before any water
19 can be transferred out of that basin, there would
20 have to be an agreement between the two states, Utah
21 and Nevada, and presently there is no agreement at
22 this point. And so right now it is basically illegal
23 to divert water out of that basin until there would
24 be an agreement, so I feel like this EIS is premature
25 in making a decision that would affect that valley

1 because legally it can't happen yet.

2 Number two, if there was an agreement, this
3 draft does not address the relationship between the
4 basins. In the Lincoln County Land Act it actually
5 states that the inter-basin water flow or the flow
6 systems between the basins need to be studied, and
7 they have not and they're not addressed in this EIS.

8 Millard County has been funding, helping to
9 fund a study that the USGS is doing to look more
10 closely at the relationship between the basins. That
11 will be out later this year. Their initial map that
12 is out that's in peer review shows that there's less
13 of a friendship between those valleys, so there would
14 be more impact by pumping than if the flow systems
15 are not as much as BARCAS showed. I think that's
16 important information.

17 I also think that the development of the
18 Snake Valley portion is too far out in the future
19 really for this EIS, this draft really to address the
20 impacts. In your newsletter, on the back page it
21 actually shows the NEPA process in Spring and Snake
22 Valley really not happening until 2040, 2035. That's
23 a long time, a long time out there. So we feel like
24 the NEPA would have to be done all over again. There
25 a lot of factors that could change between now and

1 then.

2 And, you know, if the agreement between the
3 states, you know, was signed and was out there, if
4 they had an agreement that states that Nevada,
5 Southern Nevada Water, the Nevada State Engineer will
6 not even advertise those applications until 2019,
7 that's another ten years. And when that happens,
8 they're probably going to have to do NEPA over again
9 then because that will all change.

10 We just feel like this EIS, because the
11 timeline is out there so far, there can be so many
12 changes that this EIS does really not address Snake
13 Valley and the impacts that can happen there.

14 You know, I made comments before. I've been
15 involved in this project for a couple of years,
16 looking at Millard County as a cooperating agency
17 involved in the development of the EIS, been able to
18 read the material, and I know there's been a lot of
19 work done by a lot of great folks trying to do a
20 really good job but the fact is that there is no
21 extra water out in that valley. It's in balance now.
22 We can talk and model and do whatever, you know, we
23 do to come up with the best science, but the fact of
24 the matter is in our opinion there is no extra water
25 out there to be taken out of that valley. Thank you

1 very much.

2 FACILITATOR JOHN GODEC: Frank Paxton.
3 Mr. Paxton, if you can spell your name and give the
4 court reporter your address please.

5 FRANK PAXTON: All right. Frank Paxton,
6 F-r-a-n-k, P-a-x-t-o-n. I agree with everything that
7 Commissioner Smith has said and carry it a little bit
8 further. The alternative I like is No Action. I
9 know that the water is appropriated by the state
10 engineer's office but this pipeline will carry water
11 out of the Great Basin.

12 And we have evidence that the Spring Valley,
13 the Snake Valley, the aquifers are connected. We
14 don't have evidence that all the aquifers in the
15 Great Basin are interconnected. We don't know that.
16 And I tend to believe that they are. There's some
17 evidence that they are, there's no evidence that they
18 are not.

19 And so I believe that this pumping and
20 pipeline project would have a huge impact on the
21 rangelands in the Great Basin, which at this point
22 I'm just emotionally involved with. I just love them
23 and I'd like to see them stay intact. I hate to see
24 a sagebrush or whatever, flat, turned into a bunch of
25 blowing sand. I hate to see a wild meadow dried up,

1 a spring dried up. Those things from purely an
2 esthetic point of view would be very disturbing to me
3 personally.

4 And also I'm the president of a small
5 mineral company. We have some geothermal prospects
6 on Millard, Beaver County line. They're in the Great
7 Basin. I think this project would affect anything in
8 the Great Basin for the reasons I've previously
9 outlined. And I understand that geothermal is a
10 mineral right, and the Supreme Court of the United
11 States says that it's minerals and not water, but I
12 doubt very much that we'd have steam without water.
13 And I believe that this would impact those mineral
14 rights and also possibly other mineral rights that we
15 own in that.

16 You know, the impact from blowing dust might
17 be a little hard to -- might make it a little hard to
18 work these things and also we might need water to
19 process some of those minerals.

20 I believe that there's an alternative for
21 Southern Nevada Water Authority, if they wanted it,
22 it's not one that the BLM could outline for them.
23 The No Action alternative is the one I favor, but if
24 they wanted water, they can pipe it out of the
25 Pacific Ocean. There's plenty of water there. Great

1 Basin is one of the driest areas on earth. I don't
2 believe a project pumping water out of one of the
3 driest areas on earth is sustainable and that's all I
4 have to say. Thank you.

5 FACILITATOR JOHN GODEC: Mr. Paxton, before
6 you leave would you mind giving us your address?

7 FRANK PAXTON: Sure. My address is Post
8 Office Box 37, Kanosh, K-a-n-o-s-h, Utah 84637.
9 Thank you.

10 FACILITATOR JOHN GODEC: Thank you.

11 Grant Nielson. Mr. Nielson, would you
12 please spell your name and give us your address.

13 GRANT NIELSON: Grant, G-r-a-n-t,
14 N-i-e-l-s-o-n, 461 Topaz, T-o-p-a-z, Boulevard,
15 Number 6, Delta, Utah 84624.

16 FACILITATOR JOHN GODEC: Thank you.

17 GRANT NIELSON: I'm an old-timer here. I've
18 been ranching in Utah and Nevada most of my
19 productive life in Moapa and Mesquite and I have a
20 feeling you got the horse behind the cart until the
21 state engineers of Nevada and Utah declare that Las
22 Vegas has some water to transfer. And it's a matter
23 of law, I can't hardly see how you can come up with a
24 decision to do it.

25 To me, I've been an old rancher all my life,

1 and if I take a neighbor's calf and transport him
2 across state line, it becomes a federal offense
3 without the neighbor's permission. And I think the
4 same would be applicable with water. We know what
5 happens when water is taken out of an area, it just
6 turns into basically a dust bowl. And I don't
7 believe I have any more to say, but study your case,
8 gentlemen.

9 FACILITATOR JOHN GODEC: Clayton Jeffery.
10 Mr. Jeffery, would you please spell your name and
11 give us your address.

12 CLAYTON JEFFERY: I think I wrote it down
13 for you. Did I?

14 FACILITATOR JOHN GODEC: You did. Would you
15 please give us your address at least.

16 CLAYTON JEFFERY: 2525 South 500 West,
17 Delta, 84624.

18 I don't know if I wanted to even comment on
19 this. I'd just like to ask is there anybody here
20 that's in favor of this Southern Nevada Water
21 project, raise your hand.

22 So what are we doing here? Nobody is in
23 favor of it. What are we getting out of these
24 comments we make? We can complain and bellyache all
25 we want, all we're doing is letting off steam so then

1 we all feel a little better, we think we've done our
2 thing.

3 I heard a story the other day about a guy
4 who went to the doctor. He says, I went, thought I'd
5 have the doctor check me over because I didn't feel
6 just right, aches and pains that were annoying and
7 they wouldn't let me sleep at night, and the doctor
8 checked me over and he couldn't find anything wrong.
9 But he wouldn't let it rest. He says, With Medicare
10 and let's go call Blue Cross just so we have some
11 tests.

12 So that's kind of what we're doing, we're
13 just having some tests. So he says he sent me over
14 to the hospital, although I didn't feel that bad, he
15 ordered every test that could be had. I was
16 fluoroscoped, cystoscoped, my aging frame displayed,
17 and laid upon an isoscope table while my gizzard was
18 x-rayed. He checked me for worms and parasites and
19 fungus. He stabbed me with big, long needles taking
20 samples of my blood. The doctors came and poked and
21 probed and pushed around. Then to make sure I was
22 still alive, they wired me up for sound.

23 When we got the results, took a whole darn
24 page. The thing I have would sometime kill me. The
25 diagnosis is old age. So, I mean, it just seems to

1 me that that's kind of what we're doing, we're just
2 letting the doctor check us over, make us feel good
3 and it's all for nothing. Still going to die of old
4 age.

5 So for what it's worth, that's how I feel
6 about it. I'm just here to represent Millard County
7 Water Conservancy District because I happen to have
8 the unfortunate job now to be chairman, and if
9 anybody would like to have a place on that committee,
10 we'd like to know about it. Thank you.

11 FACILITATOR JOHN GODEC: Steve Erickson.
12 Mr. Erickson, if you can spell your name and give us
13 your address.

14 STEVE ERICKSON: E-r-i-c-k-s-o-n. I reside
15 at 444 Northmont Way in Salt Lake City. I'm with the
16 Great Basin Water Network and have worked with them
17 since 2005 when I ran across the desert in August.
18 I'll have an opportunity to speak in Salt Lake so
19 I'll try to be brief here. And the Great Basin Water
20 Network will certainly be submitting written comments
21 that will be rather extensive and so I'll make sure
22 that you get a chance to look at those when the time
23 is appropriate.

24 I want to thank BLM for extending the
25 comment deadline by an additional 30 days, but I do

1 want to reiterate our request for an additional
2 90 days beyond the comment deadline of September 9th,
3 and there's a reason for that, and that is that there
4 will be significant new information come out of the
5 state engineer's hearing in Nevada on the four
6 valleys that are in question with water rights
7 applications that will begin the 26th of September
8 and run through around the 18th of November. We
9 think that the BLM ought to at least push the
10 deadline for comments back to be able to incorporate
11 that new information into the draft environmental
12 impact statement.

13 It's interesting that if you have the DEIS,
14 what Donald Rumsfeld might refer to as known
15 unknowns, there's a significant number of what you
16 actually refer to as inadequate or unknown
17 information, including rather important things like
18 the hydrology of the region isn't well characterized,
19 particularly the Snake Valley interconnection is not
20 well characterized. It's odd that you've got now the
21 USGS coming out with a study, the draft of which will
22 be presented publicly next week, two weeks from now,
23 the 18th of August, and you can't wait to have that
24 peer reviewed and published and then incorporated
25 into your study.

1 Commissioner Smith mentioned ongoing work in
2 the state of Utah that characterizes Snake Valley.
3 That's not going to be done in time for inclusion
4 into the draft EIS.

5 There is data on soil, visual resources that
6 are unknown. You don't know where the water comes
7 from that goes into the caves in Snake Valley. There
8 are critters in those caves that are being
9 characterized and they're a unique species. I don't
10 know if you're aware of that.

11 What was mentioned earlier about inter-basin
12 flows by one of the speakers, you may not be aware
13 that your sister agency, the BLM office in the state
14 of Utah, the Fillmore office, has just completed an
15 environmental assessment on the severe Dry Lake
16 proposal for mineral extraction, and in that they
17 stated that there may be inter-basin flow that will
18 affect the severe Dry Lake basin. That's a
19 particular interest now that there's actually a
20 little bit of water in that lake. But you might want
21 to take a look at that.

22 You should have been informed by the
23 decision that was done in the Cave Valley by the
24 state engineer and the subsequent reversal of that
25 decision by the Nevada courts in which it was

1 determined that the recharge, the duration of time
2 before the Cave Valley to reach equilibrium after
3 pumping, was into the thousands of years. We're
4 talking about possibly 2,000 to 2500 years estimate
5 by hydrologic studies and modeling, yet you've
6 decided that the impacts are only going to be
7 measured out to 200 years. So I think you ought to
8 go back and take a hard look at that.

9 We believe that this project, with its
10 distributed pumping, is a moving target which you
11 cannot identify specific impacts because of the fact
12 that you don't know where the wells are going to be,
13 and five of the alternatives are dealing with where
14 are the wells, so how can you move forward in this
15 tiered fashion making a critical decision at this
16 point with a lack of information about what the
17 impacts are going to be. They're your three M's:
18 Monitor, mitigation and management of stipulated
19 agreement style is simply inadequate to deal with
20 these irreversible, irretrievable and unacceptable
21 impacts.

22 Lastly I just want to say that in deference
23 to the gentleman who mentioned going to the Pacific
24 Ocean, you wrongly narrowed the scope of your study
25 to simply whether or not we grant this right-of-way

1 this far north or that far south. You didn't take a
2 hard look at whether or not, in fact, there's an
3 economic ability for Las Vegas to pay for this
4 pipeline, whether they can justify the need for the
5 pipeline at this time, and you did not take a hard
6 look at any of the potential alternatives, and there
7 are a number of those. And I would hope that you
8 would reassess that analysis and decision when you do
9 a supplemental EIS, unless you have the wisdom to do
10 what you should do, which is protect the public trust
11 under your management and find with the No Action
12 alternative and deny the right-of-way. Thank you.

13 FACILITATOR JOHN GODEC: Mark Ward.

14 MARK WARD: Thank you. M-a-r-k, W-a-r-d,
15 I'm with Utah Association of Counties. The address
16 is 5397 Vine Street, Murray, M-u-r-r-a-y, Utah 84107.

17 Appreciate the opportunity to comment.
18 Grateful for the progress that the Nevada BLM has
19 made in the development of this EIS, in that they
20 started out with either proposed action or variations
21 of the proposed action but no real flexibility in
22 terms of which groundwater basin they went into.
23 From that beginning point they heard our concerns
24 about coming into Snake Valley and they fashioned
25 alternative D and E, which in each in their own ways

1 stay out of Snake Valley. That is very much
2 appreciated and it shows that the cooperating agency
3 process has validity, and hopefully they'll continue
4 to hear that.

5 But just touching briefly on some of the
6 points that Commissioner Smith made, as I speak for
7 Millard County, Juab and two other counties on the
8 Utah side, as well as all counties in the state of
9 Utah who are united on this issue, the Lincoln County
10 Land Act of 2004 really means what it says. It says
11 there shall be no transfer of groundwater out of a
12 basin that's shared by two states. And the only
13 basin that comes to mind out of all six basins that
14 are being studied, five basins, is Snake Valley. No
15 groundwater shall be taken from that basin unless
16 there's an agreement. What kind of an agreement? An
17 agreement between the two states to share the basin,
18 Utah and Nevada. What's the scope of the agreement?
19 The Lincoln County Act is crystal clear. The
20 agreement must be an agreement to allocate the
21 groundwater not just of that basin but of the entire
22 flow system of which that basin is a part.

23 What is the flow system of which Snake
24 Valley is a part? That's the Great Salt Lake Valley
25 flow system, includes several valleys, several basins

1 on both sides of the state line. The whole system
2 terminates of course at the Great Salt Lake, so even
3 if the tentative agreement that's been hammered out
4 on paper and then stepped away from by Governor
5 Herbert in January 2010 when Nevada courts started
6 saying there were problems and Utah stepped away,
7 even if somehow that draft were resurrected and
8 signed in the foreseeable future, which there seems
9 to be no indication of that, it will still be flawed.
10 It will still not be a sufficient basis for BLM to
11 proceed into Snake Valley. Why? Because the four
12 corners of that document make it abundantly clear
13 that the only thing that document tries to do is to
14 divide up groundwater resources of Snake Valley. It
15 doesn't even attempt to divide the groundwater of the
16 entire flow system, a several valley flow system. It
17 doesn't even attempt to do that by its own terms.
18 It's only a division of the groundwater in the Snake
19 Valley.

20 So, number one, there's no Snake Valley
21 agreement. That means there's no basis really to do
22 anything other than choose alternative D or E. But
23 even if by some stretch of the imagination it were
24 signed in the foreseeable future, it's inherently
25 improperly scoped, so there's no way to satisfy the

1 Lincoln County Land Act. That's black letter
2 statutory law.

3 So BLM really, under NEPA, it's black letter
4 NEPA law that a federal agency shall not adopt an
5 alternative which is neither feasible or legal. And
6 it just ain't legal to come into Snake Valley without
7 any supporting agreement. So I hope that the
8 decision makers, you know, at the state level, the
9 Utah state BLM, Nevada BLM, all the way up to
10 Director Abbey, Secretary Salazar, everybody who's
11 going to make a decision takes a hard look at that
12 real flaw.

13 And that's just not some technical piece of
14 language that was seized upon and made somebody an
15 offender for a word. There's a reason that
16 agreement, that stipulation was put in there, sir.
17 That's because all these valleys are interconnected.
18 Any hydrologist worth his salt will tell you that
19 what you do in one valley has a ripple effect in all
20 the other valleys. It's like, you know, if you touch
21 one part of the hole and the rest of the hole begins
22 to shake.

23 That's why it's important that you take an
24 interconnected look at the groundwater as you divide
25 it up so it's not just some hyper-technical agreement

1 that Millard County is seizing on and saying, gotcha;
2 it really means something. It really is important to
3 have groundwater division of the entire flow system.

4 And even if you get past those two grand
5 hurdles, which is no agreement and no chance of an
6 agreement that could possibly satisfy the statute,
7 you've got this problem. It's going to be years and
8 decades before they even begin to take water out of
9 Snake Valley, assuming the state engineer even grants
10 it, which makes a current EIS in 2011 or 2012 really
11 insufficient in Snake Valley.

12 So I would say in closing, it's a good
13 thing, it's a wise thing the direction the BLM is
14 taking this slowly, building their alternatives
15 matrix, a no Snake Valley alternative in some form or
16 fashion, either D or E, that's a good thing. And
17 you're now poised to do the right thing legally under
18 NEPA and set up your matrix properly and just quietly
19 stay out of Snake Valley.

20 Because, look, here are the realities: Two
21 months from now the Nevada engineer is going to
22 consider the groundwater applications for which
23 valleys? All but Snake. Glaringly absent from that
24 proceeding is Snake Valley. Because why? A couple
25 of reasons. There is not the finances, there is not

1 the will, there is not the need for the proponent to
2 go to Snake Valley right now. The whole thing is
3 absent from the hearings and there's no sense of when
4 that's going to happen.

5 So it all fits together like a puzzle. I
6 think it's the convenience, it's the right thing to
7 do to simply choose the alternative. If Nevada wants
8 to take water out of their valleys, that's their
9 businesses. But here in Snake Valley, three-fourths
10 of that valley is on the Utah side. I appreciate
11 your time. Thank you.

12 FACILITATOR JOHN GODEC: That is the last
13 speaker card that I have. Dr. Dwyer, I assume you
14 have no objections if I ask if anybody else would
15 like to make any kind of comment or have a question
16 in this particular forum?

17 DR. MICHAEL DWYER: Please.

18 FACILITATOR JOHN GODEC: If not, I believe
19 that we have concluded. If you have a comment or a
20 question that you would like to present privately to
21 our court reporter, please feel free to come on down
22 and do that. We'll be here for a while. If you've
23 got other things that you would like to discuss or
24 other questions, BLM staff and AECOM staff will be in
25 the back for a period of time. And with that, thanks

1 very much for being here tonight.

2 (Thereupon the proceedings
3 were concluded at 5:37 p.m.)

4 * * * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER

STATE OF NEVADA)

SS:

COUNTY OF NYE)

I, Deborah Ann Hines, certified court reporter, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 14th day of September, 2011.

Deborah Ann Hines, CCR #473, RPR